

Appl. No. 09/784,733
Amdt. dated September 11, 2006
Reply to Office Action of June 12, 2006

REMARKS/ARGUMENTS

Claims 1-11 are pending in the present application. In the Office Action mailed June 12, 2006, the Office Action rejected claims 1-11 under 35 U.S.C. § 103. In the above amendments, claims 1, 8, and 11 have been amended, and new claims 12-19 have been added.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

Applicants wish to thank the Examiner for conducting a telephonic interview on Thursday, August 10, 2006. During the interview, the amendments disclosed herein were discussed. The Examiner indicated that the proposed amendments appear to distinguish the claimed invention from the cited prior art, but that the Examiner would need to conduct an additional review/search to confirm this.

A. Rejection of Claims 1-4 and 7-8 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-4 and 7-8 under 35 U.S.C. § 103(a) based on U.S. Patent No. 5,937,232 to Taguchi et al. (hereinafter, "Taguchi") in view of U.S. Patent No. 5,973,802 to Hirota et al. (hereinafter, "Hirota"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the

teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 has been amended to recite automatically selecting a transform based upon the user input to prevent "clipping of the adjusted color values during subsequent processing," Claim 1 has also been amended to recite that "the transform is selected from a plurality of sigmoidal-shaped curves," that "the plurality of sigmoidal-shaped curves comprise curve lengths," that "the plurality of sigmoidal-shaped curves share a common midpoint," and that "the plurality of sigmoidal-shaped curves are not collinear for more than half of their curve lengths." Support for these amendments may be found throughout Applicants' specification, such as on page 4, lines 3-12, lines 13-22, and Figures 3 and 4.

Claim 8 has been amended to recite that "the transform is selected from a plurality of sigmoidal-shaped curves" and that "the plurality of sigmoidal-shaped curves intersect at a maximum of three points." Support for these amendments may be found throughout Applicants' specification, such as on page 4, lines 3-12 and Figures 3 and 4.

Applicants respectfully submit that the Office Action's proposed combination of Taguchi and Hirota does not disclose, teach, or suggest all of the limitations in claim 1. Specifically, none of the cited references disclose, teach, or suggest that "the transform is selected from a plurality of sigmoidal-shaped curves."

Previously, the Office Action cited U.S. Patent No. 5,913,014 to Gilman, Jr. et al. (hereinafter, "Gilman") as disclosing that "the transform is selected from a plurality of sigmoidal-shaped curves." See January 10, 2006 Office Action, page 3. The Office Action, in the prior Office Action, asserted that "Gilman discloses ... the transform function comprises at least one sigmoidal-shaped curve (figure 9 of Gilman)...[a]s can clearly be seen in figure 9 of Gilman." See id. at page 4. Applicants respectfully submit, however, that Gilman does not disclose, teach, or suggest "the transform is selected from a plurality of sigmoidal-shaped curves," as recited in claims 1 and 8. For

example, Gilman does not disclose that "the plurality of sigmoidal-shaped curves share a common midpoint," that "the plurality of sigmoidal-shaped curves are not collinear for more than half of their curve lengths," as recited in claim 1, or that "the plurality of sigmoidal-shaped curves intersect at a maximum of three points," as recited in claim 8.

First, Applicants respectfully submit that Gilman does not disclose that "the plurality of sigmoidal-shaped curves share a common midpoint" or that "the plurality of sigmoidal-shaped curves are not collinear for more than half of their curve lengths," as recited in claim 1. Specifically, the transform curves shown in Figure 9 of Gilman do not "share a common midpoint" and are "collinear for more than half of their curve lengths," as recited in claim 1. See Gilman, Figure 9. Furthermore, Gilman merely discloses four collinear curves of varying lengths that are collinear for more than half of their curve lengths. See id.

Second, Applicants respectfully submit that Gilman does not disclose that "the plurality of sigmoidal-shaped curves intersect at a maximum of three points," as recited in claim 8. Specifically, the transform curves shown in Figure 9 of Gilman intersect over a large portion of their lengths. See Gilman, Figure 9. Gilman merely discloses four collinear curves of varying lengths that are collinear for more than half of their curve lengths. See id. Because the four curves are collinear for more than half of their curve lengths, the four curves intersect at every point along their curve lengths.

In view of the foregoing, Applicants respectfully submit that the Office Action's proposed combination of Taguchi and Hirota does not disclose, teach, or suggest all the limitations in amended claims 1 and 8. Furthermore, Applicants respectfully submit that the Office Action's previous proposed combination of Taguchi, Hirota, and Gilman does not disclose, teach, or suggest all the limitations in amended claims 1 and 8. Accordingly, Applicants respectfully request that the rejection of claims 1 and 8 be withdrawn.

Claims 2-4 and 7 depend directly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-4 and 8 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 8.

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B. Rejection of Claims 5 and 6 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 5 and 6 under 35 U.S.C. § 103(a) based on Taguchi in view of Hirota and U.S. Patent No. 5,737,032 to Stenzel et al. (hereinafter "Stenzel"). This rejection is respectfully traversed.

The standard for establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is provided above. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 5 and 6 depend from claim 1. As shown above, the Office Action's proposed combination of Taguchi and Hirota and prior proposed combination of Taguchi, Hirota, and Gilman do not disclose, teach, or suggest that "the plurality of sigmoidal-shaped curves share a common midpoint," that "the plurality of sigmoidal-shaped curves are not collinear for more than half of their curve lengths," as recited in claim 1, or that "the plurality of sigmoidal-shaped curves intersect at a maximum of three points," as recited in claim 8. Likewise, the Office Action has not cited, nor can Applicants find, any portion of Stenzel that discloses, teaches, or suggests these claim limitations. Accordingly, Applicants respectfully request that the rejection of claims 5 and 6 be withdrawn.

C. Rejection of Claims 9 and 10 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 9 and 10 under 35 U.S.C. § 103(a) based on Taguchi in view of Hirota and U.S. Patent No. 5,666,293 to Metz et al. (hereinafter "Metz"). This rejection is respectfully traversed.

The standard for establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is provided above. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 9 and 10 depend from claim 8. As shown above, the Office Action's proposed combination of Taguchi and Hirota and prior proposed combination of Taguchi, Hirota, and Gilman

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do not disclose, teach, or suggest that "the plurality of sigmoidal-shaped curves intersect at a maximum of three points," as recited in claim 8. Likewise, Applicants cannot find, nor has the Office Action cited, any portion of Metz that discloses, teaches, or suggests this claim limitation. Accordingly, Applicants respectfully request that the rejection of claims 9 and 10 be withdrawn.

D. Rejection of Claim 11 Under 35 U.S.C. § 103(a)

The Office Action rejected claim 11 under 35 U.S.C. § 103(a) based on Taguchi in view of Gilman. This rejection is respectfully traversed.

The standard for establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is provided above. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 11 has been amended to recite "receiving a user input indicating a color boost for a color original" and that "the available selection transforms share a common midpoint." Support for these amendments may be found throughout Applicants' specification, such as on page 4, lines 3-12, lines 13-22, and Figures 3 and 4. Applicants respectfully submit that Gilman does not disclose, teach or suggest "receiving a user input indicating a color boost for a color original" or that "the available selection transforms share a common midpoint," as recited in claim 11.

First, the Office Action asserted that "Taguchi discloses receiving a user input indicating a color adjustment for a color original." Office Action, page 8. In support of this assertion, the Office Action cited Figure 7 and the following portion of Taguchi:

In FIG. 7, to select any of image processing a user wants to confirm, each of the image processing select keys is displayed thereon and a mode is set by pressing down any of the keys. A Scanner γ -correction processing key 701, a printer γ -correction processing key 702, an automatic image separation processing key 703, and a processing or editorial work key 704 are prepared as the keys for mode selection.

Taguchi, col. 12, lines 47-53. Applicants respectfully submit, however, that this portion of Taguchi does not disclose, teach, or suggest "receiving a user input indicating a color boost for a color

original," as recited in claim 11. Rather, this portion merely discloses that various "image processing select keys" may be pressed. Taguchi continues "By pressing down any of these select keys, a confirming screen for each processing is displayed, and parameters prior to and after correction can be confirmed, set, and be displayed thereon." Id. at lines 54-57. Therefore, "pressing down [an image processing select key" merely presents "a confirming screen ... and parameters ... [which] can be confirmed, set, and displayed" on the confirming screen. See id. Applicants respectfully submit that presenting "a confirming screen" as disclosed by Taguchi is not the same as "receiving a user input indicating a color boost for a color original," as recited in claim 11.

Second, The Office Action asserted that "Gilman discloses ... the available selection transform functions share a common midpoint (figure 9 of Gilman)." Office Action, page 10. Applicants respectfully submit, however, that Gilman does not disclose, teach, or suggest "the plurality of sigmoidal-shaped curves share a common midpoint," as recited in claim 11. Rather, Gilman merely discloses four collinear curves of varying lengths that are collinear for more than half of their curve lengths. See Gilman, Figure 9. Though the partially collinear curves shown in Figure 9 of Gilman share many points, they do not "share a common midpoint," as recited in claim 11.

Claim 11 recites that the midpoint is the "midpoint of length." Applicants assume that the Office Action is asserting that the fact that the four partially collinear lines have the same visual density at a relative log exposure of 1.5 means that the four curves share a common midpoint. However, Applicants respectfully submit that the "common midpoint" is a "midpoint of length," as recited in claim 11. Therefore, though the four partially collinear lines have the same visual density at a relative log exposure of 1.5, the four curves do not "share a common midpoint ... of length," as recited in claim 11. Furthermore, the Office Action has not cited, nor can Applicants find, any portion of Taguchi, Hirota, Stenzel, or Metz that discloses, teaches, or suggests these limitations.

In view of the foregoing, Applicants respectfully submit that the cited references do not disclose, teach, or suggest all of the limitations in claim 11. Accordingly, Applicants respectfully request allowance of claim 11.

E. New Claims 12-19

Claims 12-19 have been added. Claim 12 recites that "the user input indicates a boost of color values," claim 13 recites that "the user input indicates a reduction of color values," claim 14 recites "the user input indicates no adjustment of color values," claim 15 recites "applying the transform further comprises using the color values as indexes into a lookup table," and claim 16 recites "applying the transform further comprises calculating the adjusted color values at run time." Support for these amendments may be found throughout Applicants' specification, such as in original claims 2, 3, 4, 6, and 7 respectively.

Claim 17 recites that "the plurality of sigmoidal-shaped curves are not collinear for more than half of their curve lengths," claim 18 recites that "the plurality of sigmoidal-shaped curves intersect at a maximum of three points," and claim 19 recites that "the adverse effects of the color adjustment that are prevented on subsequent processing include clipping of the adjusted color values." Support for these amendments may be found throughout Applicants' specification, such as on page 4, lines 3-12, lines 13-22, and Figures 3 and 4.

Claims 12-19 depend directly from claim 11. As shown above, claim 11 is patentably distinct from the cited references. Accordingly, Applicants respectfully request allowance of claims 12-19.

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F. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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